GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Land acquition for house sites – Guntur district - Koritipadu Village of Guntur Mandal - Land acquired to an ext of Ac.5.25cts (2.62cts + 2.63 cts) in Sy.No.170/1B Dist for provision of house sites to the weaker sections – Sanction of Rs. Rs.4,46,89,772/- towards payment of decretal charges in O.P No.16/92 –Orders – Issued.

SOCIAL WELFARE (BUD&LA) DEPARTMENT

G.O.Rt.No.358 Dated:22.08.2017.

Read the following

1. From the District Collector,Guntur Lr. No. 2978/2008- G1, dt.22.2.2010.
2. From the CSW Lr. No. LA4/8107/2008 dt. 13.4.2009 & 07.04.2011.
3.From the CCLA & Spl. CS Lr. No. G2/644/2010 dt. 11.8.201
4. Govt Memo.No. 9534/LA.1/2010-1,dated, 23 -12-2010 & 05.12.2011
5. From the District Collector,Guntur Lr. No. 2978/2008- G1, dt.23.12.2011.
6. Govt Memo No : 9534/LA.1/2010-3, DT : 16.02.2012 & dt 03.01.2013
7. From the Spl CS&CCLA, A.P., Lr.No.LA1(1)/502/2016, dt 25.01.2017

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ORDER:

As reported by the DSW, A.P.,/Dist Collector, Guntur, the Spl CS & CCLA, A.P., has stated that the LAO/RDO, Guntur has acquired land to an ext of Ac.5.23 cts in Sy.No.170/1B of Koritipadu Village, of Guntur Mandal & Dist for provision of house sites to the weaker sections vide Award No.1/92, dt 06.01.1992 duly fixing an amount of Rs.50,000/- per acre. It is reported that the DN U/s 4(1) of the LA Act was approved and published on 25.10.1989. The awardees received the compensation amount under protest and their claims were sent to the Civil Court U/s 18 of the LA Act for adjudication of market value. On reference, the 1st Addl Sr.Civil Judge, Guntur enhanced the land value from Rs.50,000/- per acre to Rs.127.50 per Sq Yd in LAOP No.16/92 dated 31.07.2006. The LAO/RDO, Guntur has filed Appeals before the Hon'ble High Court against the orders of the Civil Court and the Hon'ble High Court passed interim orders in LAASMP No.468 of 2008 in LAAS No.468 of 2008 dt 21.04.2008 by directing the respondents to pay half of the decretal amount awarded by the lower court and accordingly half of the decretla amount or Rs.59,30,733/- was deposited in the Court of 1st Additional Sr Civil Judge, Guntur on 06.9.2008. Subsequently the Hon'ble High Court has enhanced the land value from Rs.127.50 per Sq Yd to Rs.275/- per Sq Yd in LAAS No.204 & 259 of 2007, 743 & 761 of 2006 dt 27.4.2009.

2. The Spl CS&CCLA, A.P., has further stated that the GP for Appeals has opined that there are no grounds to prefer an appeal before the Hon'ble Supreme Court of India and to implement the orders of the Hon'ble High Court. The proposals were submitted to the CCLA through the CSW A.P., for release an amount of Rs.2,25,35,684/- by calculating the 15% interest upto 18.7.2008. Accordingly the proposals were forwarded to the Govt., for release of decretal amounts. In turn the Government (SWLA) Department issued instructions to take immediate steps to file SLP in the Supreme Court of India along with condonation without any delay and to intimate the same to the Govt vide Govt Memo.No.9534/La/2010-1, dt 23.12.2010. But the Hon'ble Supreme Court of India has dismissed the SLP for non-prosecution in SLP No.24286-24287 of 2014 dt 29.08.2014. Further the Decree Holders have filed EP NO.391/2007 and 265/2015 in LAOP No.16/1992 before the Court of 1st Addl Sr Civil Judge, Guntur for payment of decretla charges as per the orders of the Hon'ble Court. The calculation memo filed by the Decree Holders were sent to the GP., Dist Court, Guntur to file objections if any on the calculations filed by the decree holders. In the said calculation memo the claimants have claimed Solatium at 30% on the Market value + Additional market value and also claimed interest at 9% and 15% on the total compensation. The GP was requested to take necessary steps to oppose the calculation sheets filed by the Decree Holders by filing counter on behalf of the RDO, Guntur. The 1st Addl Sr Civil Judge Guntur had accepted the calculations filed by the Decree Holders and passed orders on 19.02.2016 to deposit the amounts calculated by the Decree Holders in EP No.391/2007 and EP No.265/2005 in LAOP No.16/92. The GP., Guntur obtained the certified copy of the orders passed by the

1st Addl Sr Civil Judge Guntur and opined that it is not desirable to file an appeal against the orders of the Civil Court and requested to deposit the amounts as per orders. Thereafter the Dist Collector, Guntur has submitted proposals for an amount of Rs. 4,46,89,759/- (Rupees four crore forty six lakh eighty nine thousand seven hundred and fifty nine only) towards final decretal charges in OP No.16/92 dt 24.7.2016 for the land acquired to an ext of Ac.5.25cts (2.62cts + 2.63 cts) in Sy.No.+170/1B for provision of house sites to the weaker sections.

3. Government, after careful examination of the above proposal, hereby accord permission to the Director of Social Welfare, A.P., Amaravati for release an amount of Rs. 4,46,89,772/- (Rupees four crore forty six lakh eighty nine thousand seven hundred and Seventy Two only) towards final decretal charges in OP No.16/92 dt 24.7.2016 for the land acquired to an ext of Ac.5.25cts (2.62cts + 2.63 cts) in Sy.No.+170/1B for provision of house sites to the weaker sections.

4. The expenditure sanctioned in para (3) above shall be met from the BEs 2017-18 and debited to the following Head of Account:

"**2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward classes – 01- Welfare of Scheduled Castes – M.H.283- Housing – G.H.11 – Normal State Plan – SH(08) Acquisition of House sites to weaker sections in Indiramma programme – 310/312 – Other grant –in-Aid.**

5. The Director of Social Welfare, A.P., Amaravati is directed to issue necessary proceedings to the District Collector, Guntur to comply with the court orders in O.P.No. 16/92 dt 24.7.2016

6. The District Collector, Guntur shall verify the calculation sheet submitted by the land Acquisition officer once again, before issue of the proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition officer shall be held solely responsible.

7. These orders issues with the concurrence of Finance(FMU-Welfare-I) Department, vide their U.O.No.39027/77/2017-FMU-Welfare.I, dt.21.06.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S.RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Spl CS & Chief Commissioner of Land Administration, A.P., Vijayawada
The Director of Social Welfare, A.P, Amaravati
The District Collector, Guntur
Copy to:
The Director of Treasury & Accounrs, A.P., Vijayawada
The Accountant General, A.P., Hyderabad
The Deputy Director of Tresury & Accounts, Guntur
Finance (FMU-WELFARE -I) Department
SF/SC.

// FORWARDED::BY::ORDER//

SECTION OFFICER